

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Board of Patent Appeals and Interferences Commissioner for Patents, Washington, D.C. 20231.

Tina Dasco
(Print Name)

Date: 3/5/99

Tina Dasco
(Signature)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application

Examiner: D. Naff

Inventor's Name(s): Gelfand et al.

Group: 1803

Serial No. 07/873,897,
filed April 24, 1992

Appeal No. 95-0024

BOARD OF PATENT
APPEALS &
INTERFERENCES
MAR 12 1999

For: Purified Thermostable Enzyme

**STATEMENT PURSUANT TO MPEP §708.02(II) IN SUPPORT OF
PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)**

Alameda, CA 94501
March 5, 1999

Commissioner for Patents and Trademarks
Washington, D.C. 20231

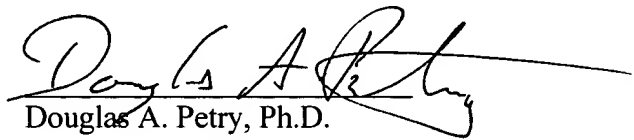
Sir:

Applicants, in the accompanying petition under 37 C.F.R. §1.102(d), respectfully request that the above-referenced application be granted special status because of actual infringement.

Pursuant to MPEP §708.02(II), I, the undersigned, state that (1) there is an infringing product actually on the market, and (2) I have made a rigid comparison of the infringing product with the claims of the present application, and, in my opinion, some of the claims are unquestionably infringed.

The present case is in the final stage of an appeal and, thus, has been examined extensively during the previous prosecution. In view of this, I further state that a thorough search of the prior art has been carried out and all references are already of record.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Douglas A. Petry", is written over a horizontal line.

Douglas A. Petry, Ph.D.

Agent for Applicant(s)

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